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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,139	07/27/2000	J. David Schaffer	US000179	1204

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 03/15/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/627,139	Applicant(s) SCHAFFER ET AL.	
	Examiner Son P. Huynh	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 15 December 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):


See Continuation Sheet.

Continuation of 10. Other (including any explanation in support of the above items):

The brief does not contain a statement of the status of all claims (e.g., status of claims 27-29).

the "Summary of Claimed Subject Matter" does not map the claimed invention to the independent claims as set forth in 37 CFR 41.37 (c) (1) (v) which states: (v) Summary of Claimed Subject matter. A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of the paragraph (c) (1) (vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. Applicant is requested to file a substitute Appeal Brief in compliance with 37 CFR 41.37. In particular, the brief does not correctly refer the subject matter defined in each of the independent claims involved in the appeal to specification by page number, and to the drawing. For example, Appellant refers to page 20, lines 2-9; figure 4; reference numeral 240 for "...and combine the predictions by weight-averaging corresponding ones from each of the at least two sets of predictions" is incorrect; this subject matter is disclosed in page 21, lines 4-20), or "feedback data set is derived from ratings provided by the user with respect to a particular resource in the resource data, and an implicit data set is derived from machine-observation of a user's resource use history, whereby the implicit data reflects the user's selection (page 17, line 22-page 18, line 22) is incorrect since this section only discloses implicit profile, etc.

Appellant is respectfully reminded that the appeal will be dismissed in accordance with M.P.E.P 1205.03 if Appellant files an amended brief which does not overcome all the reasons for noncompliance of which the appellant was notified.


SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER